

ENTERED

December 04, 2020

David J. Bradley, Clerk

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

NEXUS PERFORATING	§	CIVIL ACTION NO.
LLC,	§	4:20-cv-01539
Plaintiff,	§	
	§	
	§	
vs.	§	JUDGE CHARLES ESKRIDGE
	§	
	§	
C&J ENERGY SERVICES	§	
INC, <i>et al</i> ,	§	
Defendants.	§	

ORDER

This is a patent dispute. Defendants advise that a petition for *inter partes* review has been filed with the Patent Trial and Appeal Board pursuant to 35 USC § 311 *et seq.* They now move to stay this case pending conclusion of that review. Dkt 42. Plaintiff advises that it is unopposed. Dkt 46.

District courts have discretion to manage their dockets and enter a requested stay. They are to consider three factors when doing so:

- *First*, whether a stay will simplify the issues in question;
- *Second*, whether the litigation is at an early stage; and
- *Third*, whether a stay will unduly prejudice or provide a tactical disadvantage to other parties.

Tesco Corp v Weatherford International, Inc, 599 F Supp 2d 848, 850 (SD Tex 2009), citing *Ethicon, Inc v Quigg*, 849 F2d 1422, 1427 (Fed Cir 1988).

These factors favor a stay here. Indeed, federal courts routinely stay proceedings pending the completion of *inter partes* review. For example, see *Neuro Cardiac Technologies, LLC v*

LivaNova, Inc, 2018 WL 4904035, 1–2 (SD Tex), citing *Proctor & Gamble Co v Kraft Foods Global, Inc*, 549 F3d 842, 848–49 (Fed Cir 2008). The primary reasons are efficiency and case management. The entire action may be resolved or mooted by *inter partes* review. Regardless, it is helpful in most instances to pause Article III proceedings until such time as it becomes clear which claims will actually proceed through litigation.


The motion to stay this case pending *inter partes* review by the Patent Trial and Appeal Board is GRANTED. Dkt 42.

This case is STAYED and ADMINISTRATIVELY CLOSED.

Any party may file a motion to reinstate this case following the conclusion of the *inter partes* review process or for other good cause shown.

SO ORDERED.

Signed on December 4, 2020, at Houston, Texas.


Hon. Charles Eskridge
United States District Judge